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TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>PATENT &amp; TRADEMARK OFFICE</b> <b>FILING OF DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised  
that a court action has been filed in the U.S. District Court San Diego on the following Patents or Trademarks:

DOCKET NO. 07cv768 IEG (RBB)	DATE FILED 04/26/07	U.S. DISTRICT COURT United States District Court, Southern District of California
PLAINTIFF Huhtamaki Finance, B.V.; Hershey Chocolate & Confectionery Corporation; The Hershey Company		DEFENDANT Kiersten H. Wall; Stephanie Schulte
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>
1 1,307,327	11/27/84	Huhtamaki Finance, B.V.
2 77/083,443	01/16/07	Huhtamaki Finance, B.V.
3 78/434,972	06/14/04	Kiersten H. Wall
4 77/076,490	01/05/07	Kiersten H. Wall
5		

In the above-entitled case, the following patent(s)/trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
<b>PATENT OR TRADEMARK NO.</b>	<b>DATE OF PATENT OR TRADEMARK</b>	<b>HOLDER OF PATENT OR TRADEMARK</b>	
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In the above-entitled case, the following decision has been rendered or judgment issued:

DECISION/JUDGMENT  <i>attached</i>		
CLERK	(BY) DEPUTY CLERK <b>A. GARCIA-PINO</b> <i>[Signature]</i>	DATE <i>4/26/07</i>

Copy 1 - Upon initiation of action, mail this copy to Director

Copy 2 - Upon filing document adding patent(s), mail this copy to Director

Copy 3 - Upon termination of action, mail this copy to Director

Copy 4 - Case file copy

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 Los Angeles, California 90071-2040  
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5 Attorneys for Huhtamaki Finance, B.V.,  
 6 Hershey Chocolate & Confectionery  
 Corporation and The Hershey Company

7  
 8  
 9 UNITED STATES DISTRICT COURT  
 10 FOR THE SOUTHERN DISTRICT OF CALIFORNIA  
 11

12 HUHTAMAKI FINANCE, B.V., a  
 13 Netherlands corporation; HERSHEY  
 14 CHOCOLATE &  
 15 CONFECTIONERY  
 CORPORATION, a Delaware  
 corporation; and THE HERSHEY  
 COMPANY, a Delaware  
 corporation,

CASE NO. 3:07-CV-00768-JEG-RBB

STIPULATION OF DISMISSAL

16  
 17 Plaintiffs,

18 vs.

19 KIERSTEN H. WALL, an  
 individual; and STEPHANIE  
 20 SCHULTE, an individual,

21 Defendant.  
 22  
 23

24 IT IS HEREBY STIPULATED by and between the parties to this action  
 25 through their designated counsel that the above-captioned action be and is hereby  
 26 dismissed with prejudice pursuant to FRCP 41(a)(a) pursuant to the parties'  
 27 agreement to settle such action based on the following acknowledgements and  
 28 agreements made by Defendants:

1  
 EXHIBIT D

1  
2 1. Defendants Kiersten Wall and Stephanie Schulte each acknowledge and  
3 agree as follows:

- 4 a. As between the parties, Huhtamaki Finance, B.V., Hershey  
5 Chocolate & Confectionery Corporation and The Hershey  
6 Company ("Plaintiffs") own and/or license exclusive trademark  
7 rights in the trademark MILK DUDS® for candy and related  
8 promotional products including, but not limited to clothing;  
9  
10 b. Not to adopt, use or apply to register any trademark that  
11 incorporates any formative of the word MILK together with any  
12 formative of the word DUDS or any trademark that is  
13 confusingly similar to the MILK DUDS® trademark or any trade  
14 dress similar to the trade dress associated with the MILK  
15 DUDS® trademark;  
16  
17 c. Not to oppose or otherwise challenge the use, application or  
18 registration by Plaintiffs of any trademark that is comprised of  
19 or that incorporates the phrase "MILK DUDS" for any goods or  
20 services;  
21  
22 d. Within thirty (30) days of the Effective Date of this Agreement  
23 & Release, to consume their inventory of labels, stationery,  
24 garments, and all other items bearing the mark MILKDUDZ,  
25 following which they will not use such mark in any manner  
26 whatsoever. Thereafter, any remaining inventory bearing  
27 MILKDUDZ shall have all uses of MILKDUDZ removed or  
28 permanently obliterated, and/or destroyed or otherwise disposed  
of in a manner permitted by Plaintiffs; and  
e. Within ten (10) business days following execution of this  
Stipulation, to take all actions necessary to transfer the domain  
name MILKDUDZ.COM to Huhtamaki Finance, B.V. as the  
registrant, and identify Hershey Chocolate & Confectionery  
Corporation as both the administrative and billing contacts.

2. The parties hereto agree that the Court will expressly retain  
jurisdiction with respect to future performance of, and any claims related to  
performance of, the terms of the settlement set forth herein.

1 Date: May \_\_, 2007

HOLLAND & KNIGHT LLP  
Vito A. Costanzo  
Theresa A. Middlebrook

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3  
4 By: Vito A. Costanzo  
Attorneys for Plaintiffs Huhtamaki  
5 Finance, B.V., Hershey Chocolate &  
6 Confectionery Corporation and The  
Hershey Company

7  
8 Date: May \_\_, 2007

LAW OFFICES OF ELIZABETH  
ARONSON  
Elizabeth Aronson

9  
10 By: Elizabeth Aronson  
Attorneys for Defendants  
11 Kiersten Wall and Stephanie Schulte

12  
13 Date: May , 2007

KIERSTEN WALL

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16  
17 Date: May , 2007

STEPHANIE SCHULTE

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21 Date: May , 2007

HUHTAMAKI FINANCE, B.V.

22 July 30,

23 

24 By: Anniina Bergström

25 Its: Director

26  
27 

28 By: Mikael Hellstrom

Its: Director

09-25-07 09:50am From-

T-820 P.010/010 F-570

1 Date: <sup>July</sup> ~~May~~ 10, 2007

HERSHEY CHOCOLATE &  
CONFECTIONERY CORPORATION

2 MARSHALL L. CECIL-FEW  
3 By: MARSHALL L. CECIL-FEW  
4 Its: PRESIDENT

5  
6 Date: July 23, 2007

THE HERSHEY COMPANY

7 BURTON H. SNYDER  
8 By: BURTON H. SNYDER  
9 Its: SENIOR VICE PRESIDENT &  
10 GENERAL COUNSEL  
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**CERTIFICATE OF SERVICE**

This is to certify that on the 6<sup>TH</sup> day of August 2007, a copy of the foregoing **STIPULATION OF DISMISSAL** was served by First Class Mail, postage prepaid, on opposing counsel, Mr. Eric Hanscom, 707 Escondido Avenue, Suite 104, Vista, California, 92084.

  
Conchita Nickles